

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:08CV366-MU-02

JOHN AUSTIN JAMES,	)	
Petitioner,	)	
	)	
v.	)	<u>ORDER</u>
	)	
STATE OF NORTH CAROLINA,	)	
Respondent.	)	
<hr/>	)	

THIS MATTER comes before the Court on Petitioner's multi-page Petition for a writ of habeas corpus; and on his request to proceed with such Petition in forma pauperis, both filed August 12, 2008.

First, with respect to Petitioner's request to proceed as a pauper, the record reflects that he already has paid the meager \$5.00 filing fee. Further, Petitioner has not explained to what other matters he wishes his in forma pauperis request to pertain. Accordingly, Petitioner's request will be dismissed as moot.

With respect to Petitioner's § 2254 Petition, the Court notes that he did not submit his proposed claims on the standard habeas application form. As a result, the Court has had considerable difficulty identifying Petitioner's claims and determining the procedural history of his case. Consequently, the Court

will direct Petitioner to re-submit his claims on the standard § 2254 form, which form will be provided to him by the Clerk of this Court.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. Petitioner's request to proceed in forma pauperis is **DISMISSED as moot.**

2. Within thirty (30) days from the filing of this Order, Petitioner must re-submit his proposed claims on the standard § 2254 form Petition.

3. The Clerk shall mail the appropriate form to Petitioner along with this Order.

4. **FAILURE BY PETITIONER TO RE-SUBMIT HIS PETITION ON THE PROPER FORM WITHIN THE THIRTY (30) DAY PERIOD MAY SUBJECT THIS ACTION TO SUMMARY DISMISSAL.**

**SO ORDERED.**

Signed: August 27, 2008



Graham C. Mullen  
United States District Judge

